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Docket No. G'II-100XC1
Serial No. 09/872,150Remarks

Claims 1-18 and 20-32 are pending in the subject application and claim 19 stands withdrawn from consideration. As an initial matter, Applicant gratefully acknowledges the Examiner's indication that claims 1-16 and 16-24 are readable on elected species. The elected species are a) plant nutrients: nitrogen, phosphorous, and potassium; b) dry soluble plant nutrient: ammonium nitrate; c) beneficial microbe: bacteria; d) organic compound: humic acid; e) penetrants: one or more wetting agent; f) soil or other plant additive: natural enzymes; and g) organic base byproduct: biosolids. Applicant also acknowledges that claim 19 has been withdrawn from further consideration as being drawn to a non-elected invention. By this Amendment, Applicant has added new claims 25-32. Support for the new claims can be found throughout the subject specification and in the claims as originally filed (including, for example, paragraphs 8, 11-15, 22, 26, 29, 32, and 34 of the as-filed application). Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 1-18 and 20-32 are currently before the Examiner and read on the elected invention. Favorable consideration of the pending claims is respectfully requested. Applicant respectfully submits that this amendment will require no further search or examination on the part of the Examiner and does not constitute new matter.

Claims 1-18 and 20-24 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,560,921 (see especially lines 45-50, lines 51-58 and lines 63-67 in column 5). The Office Action argues that the teachings of the reference render the claimed invention obvious because one skilled in the relevant art would have been motivated to choose the specific compounds claimed in the application from the plethora of compounds taught in the prior art reference. Applicant respectfully traverses.

To establish the *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). In the case of the rejection of record, it is respectfully submitted that the recited claim limitations are not taught, suggested, or rendered obvious by the teachings of the '921 patent. For example, the '921 patent fails to teach the preparation of a liquid concentrate that comprises nitrogen, potassium, phosphorus, ammonium nitrate, bacteria, humic acid, one or more wetting agent and natural enzymes and the subsequent addition of such a concentrate to biosolids. For example,

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the catalysts taught in the '921 patent at columns 6-7 fail to include elements such as humic acid, ammonium nitrate, non-ionic wetting agents (such as polymeric polyoxyalkylenes, allinol, nonoxynol, octoxynol, oxycastrol, oxysorbic [for example, polyoxyethylated sorbitol fatty-acid esters (TWEEN); thalestol, and polyethylene glycol octylphenol ether (TRITON), Sylgard 309 (straight silicone), Silwet L-77 (straight silicone), Kinetic (silicone/surfactant blend), and Herbecx (silicone/surfactant blend)], or natural enzymes. The reference further fails to teach the addition of such a liquid concentrate to biosolids and the subsequent mixing and/or drying of compositions comprising the liquid concentrate supplemented biosolids. Applicant also respectfully submits that the cited reference also fails to teach a liquid concentrate that provides amounts of nitrogen, phosphorus, and potassium that provide for the inclusion of these plant nutrients in percentages (by weight) in the finished and enhanced biosolid product. It is further submitted that the cited reference fails to teach the limitations of dependent claims 2-18 and 19-32 and these limitations are not addressed in the instant Office Action.

It is further submitted that the instant invention can be distinguished from U.S. Patent 6,560,921, which seems to address biological agents and nutrients as a biochemical catalyst to digest a wide range of waste material. The result of the digestion process is a fertilizer; however, it is the use of identified biocatalyst for digestion that the patent emphasizes. Microorganisms are utilized for digestion of waste materials and humic substances are produced during the humification process. The addition of macronutrients and micronutrients are a part of the nutrient requirements for the digestion/fermentation process. Conversely, the current application specifically provides for the addition of nutrients and microorganisms to biosolids after the digestion process has taken place. The Applicant's process adds soluble nutrients and produces a slow release product from the soluble nutrients, thus converting the soluble nutrients into a slow release form through complexation of cations and occlusion of other nutrients utilizing the organic base. The emphasis of the current application is on a value added process to a completed bioproduct. Accordingly, reconsideration and withdrawal of the rejection under 35 USC §103(a), is respectfully requested.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicant's agreement with or acquiescence in the Examiner's position. Applicant

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expressly reserves the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

In view of the foregoing remarks and amendments to the claims, Applicant believes that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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